

Application No. 10/662,223

**REMARKS**

This is a Response to the Office Action dated October 5, 2005. Claims 1, 2, 4-7 and 25-32 are pending in this application. The Examiner has rejected Claims 1, 2, 4-7 and 25-32. As noted above, Applicants have amended Claims 1, 27, 31, and 32. The amendments are supported by the written description.

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***Claim Rejections - 35 U.S.C. § 103***

Claims 1, 2, 4-7, 25, and 26 have been rejected under 35 U.S.C. § 103 as being unpatentable over Jendersee et al. (U.S. Patent Number 5,836,965) in view of Helfrich (U.S. Patent No. 5,308,338), and Scanlon et al. (US. Patent No. 2,845,346). Applicant respectfully disagrees.

Claim 1 recites, “the first element and/or the second element have a shape that prevents contact of the stent with a third element extending within the stent between the first and second elements.” Jendersee et al. do not teach or suggest the above-mentioned feature. Helfrich and Scanlon et al. do not cure the deficiency of Jendersee et al. with respect to Claim 1. Therefore, Claim 1 is patentably allowable over Jendersee et al. in view of Helfrich and Scanlon et al. Claims 2, 4-7, 25, and 26 depend from Claim 1 and are allowable for at least the same reason that claim 1 is allowable. Applicant respectfully requests removal of the anticipation rejections of Claims 1, 2, 4-7, 25, and 26.

***Claim Rejections - 35 U.S.C. § 103***

Claims 27-32 have been rejected under 35 U.S.C. § 103 as being unpatentable over Jendersee et al. in view of Helfrich. Applicant respectfully disagrees.

Claims 27, 31, and 32 each recite, “the first element and/or the second element have a shape that prevents contact of the stent with a third element extending within the stent between the first and second elements.” Jendersee et al. do not teach or suggest the above-mentioned feature of Claims 27, 31, and 32. Helfrich does not cure the deficiency of Jendersee et al. with respect to Claims 27, 31, or 32. Therefore, Claims 27, 31, and 32 are patentably allowable over Jendersee et al. in view of Helfrich and Scanlon et al. Claims 28-30 depend from Claim 27 and

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are allowable for at least the same reason that claim 27 is allowable. Applicant respectfully requests removal of the obviousness rejections of Claims 27-32.

***Claim Rejections - 35 U.S.C. § 103***

Claims 1, 2, 4-6, and 25-32 have been rejected under 35 U.S.C. § 103 as being unpatentable over Frisch (U.S. Patent No. 4,906,423) in view of Dustrude et al. (U.S. Patent No. 5,911,752). Applicant respectfully disagrees.

Claims 1, 27, 31, and 32 each recite, “the first element and/or the second element have a shape that prevents contact of the stent with a third element extending within the stent between the first and second elements.” Frisch does not teach or suggest the above-mentioned feature of Claims 1, 27, 31, or 32. Dustrude et al. do not cure the deficiency of Frisch with respect to Claims 1, 27, 31, or 32. Therefore, Claims 1, 27, 31, and 32 are patentably allowable over Frisch in view of Dustrude et al. Claims 2, 4-6, 25, and 26 depend from Claim 1 and are allowable for at least the same reason that claim 1 is allowable. Claims 28-30 depend from Claim 27 and are allowable for at least the same reason that claim 27 is allowable. Applicant respectfully requests removal of the obviousness rejections of Claims 1, 2, 4-6, and 25-32.

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**CONCLUSION**

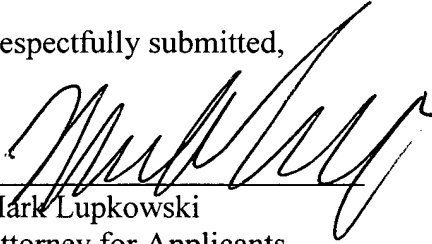
Claims 1, 2, 4-7 and 25-32 are pending in this application. Examination and allowance of the claims are respectfully requested.

If the Examiner has any questions or needs any additional information, the Examiner is invited to telephone the undersigned attorney at (415) 954-0345.

Date: January 5, 2006

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